

(Sri J. B. MALLARADHYA)

big Government Order. I do not doubt their intentions; but I am afraid there is such a lot of divorce of intentions and actual performances. If you go to certain villages, you will find that there has been complete failure of the appreciation of the needs of the situation.

Sri KADIDAL MANJAPPA.—What all could be done has been done. Our officers are exerting relief to the people affected. There may be a few cases where for want of information or for some other reason it has been left out; we will see that relief is extended to them very quickly.

Sri K. PUTTASWAMY.—As a result of flood and heavy rains, there have been several casualties. For such families what is the relief that the Government intend giving and I want to know whether that relief has reached proper quarters.

Sri KADIDAL MANJAPPA.—I want to ascertain.....

Sri K. PUTTASWAMY.—Am I to take it that the Government have not thought of the question of families where the bereavement was not natural and it was caused on account of the heavy floods and rains?

Sri KADIDAL MANJAPPA.—For envisaging all those things a Government order has been passed.

MYSORE PROHIBITION BILL, 1959.

Motion to Consider.—*Debate—cont'd.*

†Sri M. C. NARASIMHAN.—Yesterday I was on the question of exemptions. As a matter of policy I was submitting that there should be no exemptions. If it is really a case of prohibition, there should be total prohibition. Yesterday I referred to the case of foreigners and it was suggested here that because we have to earn foreign exchange we should permit foreign tourists. In 1948 when the Bill was introduced in Bombay there was no question of foreign exchange restriction. It is only latterly that the question of foreign exchange came. During the last two years foreign exchange frittered away on one ground or another. I do not see how that ground can be advanced. There is another exemption which definitely does not receive support from a very weighty committee like the Prohibition Enquiry Committee presided over by the Sri Shreemannarayan. That was a general clause on grounds of health. Clause 32 enables the Government or the Commissioner to give permits in the case of those persons who need the permit for the preservation and maintenance of health. I know for the certain that the Prohibition Enquiry Committee presided over by Sri Shreemannarayan definitely recommended that no such permit should be given. It is a very strange clause. On the one hand you say that there are persons who on grounds of health are in need of

liquor ; on the other hand you say that the object of legislation is to prevent the use of intoxicating liquor which would destroy the health of the person drinking it. I cannot understand any thing more contradictory. Liquor is bad and we are going to prevent its use because it is injurious to health. At the same time you say that it is necessary in the interests of health of some body. That is really a fallacy goes to the root of the whole policy of prohibition. Article 47 of the Constitution as envisaged in the Constitution only related to the idea of health and nothing more than that. If Article 47 does not involve the moral idea ; if it does not involve the shibboleth to which Congress policy is wedded, if prohibition can be justified on the ground of health, so far as I can see there cannot be a case for exemption but if there is a case for exemption it is only on one ground. A liquor like beer is definitely not injurious to health, if taken in limited quantities ; that is the medical opinion. So the question is really that if you are able to give liquor of that type which is not considered injurious to health, make it very cheap. You can definitely take care of those who behave in a disorderly manner, who get intoxicated. What is really injurious to health is that liquor which is not purified properly, which has not undergone all the necessary processes which are there in the case of a regular distillery, license, etc. The liquor that is supplied in various forms by the cottage industry in spite of the prohibition law is that which is really injurious. It is the opinion of all committee—I am sure that even Mr. Veerendra Patil will admit in private, but may not be prepared to admit it here—that illicit distillation that goes on is of a type which is extremely injurious to health. I can cite a number of cases so far as K. G. F. area is concerned. What is served by way of illicit distillation is pure food poison, nothing else can be supplied because of the insanitary conditions under which illicit distillation goes on. I want to ask how the Government can justify the clause of exemption on grounds of health. Sir, there is one other justification and I am justified in saying it. This is a clause intended to safeguard the interest of certain sections of the well-to-do and the rich, who can twist the ears of the Congress Government. Under Clause 32, permit can be secured by powerful members of this House or possibly by the financiers or the Congress Party or who can twist the ears of the Commissioner. Let the Hon'ble Minister point out a single case where such a permit has been issued to a poor worker or a poor man? He can never get it. Taking all this into consideration, it is designed to protect the interest of a particular section in whom the ruling party is interested and no more than that.

2-30 P.M.

Sir, apart from that, there is another very important assumption in this Bill and that also goes to the root of the matter. After all,

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what is sought to be penalised is intoxication and not merely drinking. It is an important distinction I seek to make. According to Clause 85 of this Bill, if the concentration of alcohol in the blood of the accused person is less than .05 per cent, I do not think he can be brought before the authority and get penalised. The assumption appears to be that if the alcohol contained is less than .05 per cent, it is not injurious. Sir, I do not know from where they got this arbitrary standard and who told them that .05 is not injurious. I would like to mention the observation made by the Andhra Prohibition Enquiry Committee in this connection. They quote this from the American Law.

“containing half or 1 per cent or more of alcohol by volume which are fit for use for beverage purposes.”

They say, one per cent is sufficient. They quote also the opinion authorities that it is very difficult to point out the exact degree or the point at which a person gets intoxicated.

Catelin said:

“it may with safety be said that for most people a 3 per cent alcoholic drink is not intoxicating. Such a drink is however something very different from a champagne which contains 9 to 14 per cent pure alcohol, a sherry which contains 15 to 20 per cent per unit of weight, a whisky which contains 36 per cent and still heavier liquors such as brandies and rum up to methylated spirit...etc.”

Mellanby says:

“Whereas it is possible for a man to get intoxicated almost to a moribund condition if allowed five minutes with a whisky bottle the ordinary man could not approach this state if he was allowed complete freedom of action for your years by unlimited 3 per cent ale.”

The point is, you cannot determine what is called the degree of intoxication as a certainty. It is not a thing which you can determine with any degree of certainty. I was asking my friend Dr. Karisiddappa whether there is any medical device to find this out; he said, there is nothing. A person may take 25 per cent alcohol and may still remain sober.

Sri J. B. MALLARADHYA.—Sir, I have known cases of some friends in some clubs who can take 2 bottles of whisky, each bottle containing 13½ pages, without adding a drop of water or soda and remain just as sober as I am.

Mr. SPEAKER.—They are extraordinary cases.

Sri M. C. NARASIMHAN.—Sir, my point is, you can never determine it with any degree of certainty. What is good for some person may not be good for another. This assumption itself is wrong. When this is the position, how can you enforce this and say it is on the basis of

equity and fair-play? It is beyond my comprehension. This clause was not in the old area and perhaps it is taken from the Bombay area. Even the Prohibition Enquiry Committee presided over by Srimannarayan said that pre-conditions are absolutely necessary for any enforcement. In 1947-48 most of the people were enthusiastic and introduced prohibition. But a matter like the land reforms has taken years before all the big whigs in this country persuaded the landlords inside the Congress to undertake it. I do not think Mr. Channabasappa has agreed even now for land reforms. So, people are made to support for everything that the Congress did, but the preconditions are not prepared. The Prohibition Enquiry Committee advance two types—one is legal and administrative measure and the other, the educative and social scheme. I ask the Government whether they have prepared the social schemes. All the propaganda against prohibition was totally stopped in the State. Sir, this is a State which was partially dry and partially wet. Where it was absolutely necessary for propaganda, that is abolished. I do not think if such a thing prevails in Madras or Bombay. Srimannarayan says, it is absolutely necessary that we must have this background. He has used very strong and stringent words.

“It is of the utmost importance that the public conscience should be roused to combat the growing evil of drink and drugs. Idealism of the moment and fluctuating enthusiasm in support of prohibition are not enough to ground people in the abstinent way of life. While the law may axe the trunk of State monopoly in drink and drugs, energised public opinion will dry up the tree at its roots and prevent malpractices springing up as coppice growth. The greater the will to prohibition is felt, the better the enforcement of the law.”

“Police action by itself cannot get people to obey laws. Obedience of law in such matters like prohibition must be voluntary and individual action must proceed of itself in deference to pronounced public opinion.”

Sir, with great respect, I commend these words for implementation by all the Members of the Congress.

Sri J. B. MALLARADHYA.—Sir, I had moved for the extension of time for the consideration of this Bill. The time is approaching and the Hon'ble Minister agreed that he had no objection for the discussion being continued for a day beyond the time fixed.

ಅಧ್ಯಕ್ಷರು.—ಅರ್ಥಗಂಟಿಕಾಲ ಇಪ್ಪತ್ತಿಗೆ ಉಳಿದಿತ್ತು. ಮೂರು ಗಂಟೆಗೆ ಇದು ನಿಮಿಷ ಎರಡಾಗ ವೇಳೆ ಮುಗಿಯುತ್ತದೆ. ಈ ದಿವಸ ಇದು ಮುಗಿಯುತ್ತದೆಯೇ?

ಶ್ರೀ ಜಿ. ಬಿ. ಮಲ್ಲಾರಾಧ್ಯಾ.—ಇದುವರೆಗೆ ಇಬ್ಬರು ಮಾತ್ರ ಮಾತನಾಡಿದ್ದಾರೆ. ಇನ್ನೂ ಅನೇಕ ಜನ ಮಾತನಾಡುವವರಿದ್ದಾರೆ.

Mr. SPEAKER.—We have only half an hour to-day.

Sri J. B. MALLARADHYA.—Yes Sir. This seems to be a Bill which is highly controversial. The Hon'ble Minister himself must realise that we cannot complete the discussion even to-day.

Sri VEERENDRA PATIL.—If discussion is allowed to continue at this rate, I am afraid it may take even a week or more. There should be some limit for speeches. As submitted yesterday, I feel that the business should be over within the course of this day.

Sri J. B. MALLARADHYA.—The Hon'ble Minister knows the number of clauses in this Bill. It is clear that it is impossible to finish discussion to-day. Whatever may be the efforts, if the Hon'ble Member wants to apply for closure and finish the Bill, we cannot help. At one stage my Hon'ble Friend Sri V. Sreenivasa Shetty said that it must be referred to a Joint Select Committee. We have not been able to take a definite decision on this matter. So far we have heard only two speakers. I do not think we can complete it to-day at all. I therefore move that two additional days may be allotted for the discussion of this Bill. That was my specific proposition. The Hon'ble Deputy Speaker who was in the Chair yesterday said that it will be taken up at the appropriate stage. The Hon'ble Minister said that he had no objection for one day. I think it is now very clear that another day is needed.

Sri VEERENDRA PATIL.—May I know Sir, if one more day is given, then at least we will be in a position to complete this Bill?

Sri J. B. MALLARADHYA.—Yes. On this side of the House, we can assure the Hon'ble Minister that beyond two days we will not take for this Bill.

Mr. SPEAKER.—Most of the time will be taken up at the consideration stage of the Bill. So, the whole of to-day will be taken up for discussion and the Bill will be taken up clause by clause to-morrow. Is it acceptable to the House?

Sri V. SRINIVASA SHETTY.—I should like to know from the Government whether they have got any intention to refer this Bill to the Select Committee since this is a controversial Bill and practically most of the clauses are opposed.

Sri M. RAMAPPA.—If it could be taken up later in this session, I see no reason why Government should not accept the suggestion to refer it to Select Committee. Instead of taking the Bill to-morrow, you refer the matter to the Select Committee and take it up again later in the session.

Sri C. M. ARUMUGHAM.—I also support this suggestion Sir.

Mr. SPEAKER.—In the meanwhile I have also received a motion for the same being referred to a Select Committee. I will put it before the House. If it is voted, it will go to a Select Committee.

Sri C. M. ARUMUGHAM.—Before that can be done, we want to know from the Hon'ble Minister what is his opinion. Whether he is willing to send it to Joint Select Committee.

Sri J. B. MALLARADHYA.—I suggest that discussion may go on till 5-30. At that stage we will see whether there is going to be any motion to refer it to Select Committee. If that does not take place, we will continue discussion and to-morrow clauses may be taken up.

Mr. SPEAKER The question is :—

“That the consideration of the present Bill be carried to the end of to-morrow.

The motion was carried.

Mr. SPEAKER.—The time is extended up to the end of to-morrow. Now I will put a time limit.

Sri M. C. NARASIMHAN.—I will finish in ten or fifteen minutes Sir.

Sir, we on this side of the House have advanced rather in a harsh way arguments against the Bill that is before us. It is not our intention to question the *bona fides* of the person who introduces the Bill. That is not the point at issue. We are only pointing out the practical difficulties in the way of implementation. I think we as well as the Government have been seeing with our own eyes what is the result of prohibition. For example in K. G. F. where we were most enthusiastic in welcoming the prohibition when it was first introduced in 1947, a huge block of 20,000 workers voted for prohibition. But today, out of one lakh, there is not even one per cent even Congressmen are not in favour of prohibition. That is the position today.

Sri VEERENDRA PATIL.—Probably that must be the reason why you are opposing Prohibition.

Sri M. C. NARASIMHAN.—Yes. At least, I learn and become wise in my political life, at least to respect public opinion. You have not learnt it.

Sri J. H. SHAMSUDDIN.—When did you get this wisdom ?

Sri M. C. NARASIMHAN.—When Prohibition was started, we thought it was wisdom to support it. Now I have learnt it wisdom to oppose it.

Sri M. RAMAPPA.—You have learnt to respect public opinion. But he respects the opinion of the High Command.

Sri M. C. NARASIMHAN.—Yer, that is the difficulty for Mr. Shamsuddin.

Even now, I earnestly appeal to the Government to kindly institute an inquiry into the conditions prevailing there. Unfortunately the Chief Minister is not here. If this Bill is introduced I say this in all seriousness, I am certain that there is total reduction of gold produced. It is not due to any action of trade unions. But it will be voluntary and spontaneous. Sir, in K.G.F. for the past nearly 20 years, the experience is that Prohibition was meant total disruption of normal family life of workers. Many unemployed workers engage themselves as agents of policemen, act as agents of one group or the other. I can definitely

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assert with all sense of responsibility and without the slightest political animosity, in K. G. F. to-day even very big congressmen are behind this, because congressmen themselves find that their own friends, brothers, wives and relatives are involved in this illicit distillation. They cannot help it. However much they want to come out of it, it is not possible. This has meant in K.G.F. my personal experience is, I can say that total disruption of family life has resulted from Prohibition. Prostitution has gone on the increase, because in order to carry on illicit distillation, they must have illicit intimacy with the policemen—otherwise it is not possible. I am stating this with great pain and with a sense of responsibility. And further, what is worse to-day is this. Small children are being utilised on both sides, by the police as well as by the illicit distillers. In order to find out policemen, the illicit distillers use children and in order to find out illicit distillers, the policemen use children and the unemployed. What will be the effect of all this on the future generation, I want you to seriously think over. The curse of one lakh and odd people and also the future generation will be on you for having committed them to all this perdition. This is a serious matter which should weigh with Government. You are supposed to be a humane Government; you are supposed to be wedded to the philosophy of humanism. So should this matter not weigh with you and should you not open your eyes to the reality? Simply because the party sticks to this shibboleth, should we sacrifice the interest of the entire country is a very serious point for consideration. Unfortunately, the difficulty is that the Government is impervious to the appeal of the public, to the appeal of logic or common sense or to the appeal of hard facts. That is the reason why I said this is a measure which is brought in desperation. This is a measure which has created so many problems which the Government is not able to solve. What moral justification is there for the Government to penalise the entire public, about 75 to 80 per cent of the public, in order to correct some 10 or 15 per cent of the public. It may be as you said only 5 per cent. What justification have you got to penalise 95 per cent of the public just to correct 5 per cent of the public? The entire public has to pay for it and bear the burden of this and they cannot afford to have a better living, better health and better housing facilities because of this heavy burden. They have to suffer all this simply because you want to correct a few people by questionable means which you know you cannot realise. It is only because of this valid consideration that we are urging that there is a case for second thought. If the Government foolishly pursues an ostrich policy and does not want to see the results of its own faults, woe be to such a Government. May be you may win in two elections because of the power of money. In the municipal elections you won because of the help of bootleggers. I can give a number of instances to show that in municipal elections it is the candidate of the party which is able to illegally supply liquor who will win the election.

Then I want to refer to one or two other aspects. It is said that this is a copy of the Bombay Act. In the Bombay Act Section 35 provides for licensing of hotels. This is very important. You give permits to foreigners and tourists. Where are they to drink? They cannot drink in a hotel unless you license a hotel for the purpose of serving liquor to tourists and such other persons to whom you give permits. Otherwise this provision to give permits is meaningless. In fact, the Bombay Act in Section 35 definitely provides for licensing hotels and clubs for this purpose.

Then Clause 36 provides for permission being given for sacramental purposes. If there is any dispute as to whether for a religious purpose liquor is needed or not, then it is to be decided by the Deputy Commissioner. As this is a matter which involves fundamental rights guaranteed under Article 25 of the Constitution, how can this be left to the discretion of the Deputy Commissioner. In this matter there is also no appeal because Clause 36 (5) says that the decision of the Commissioner under Sub-Section (4) shall be final. A reference to Clause 115 will show that it does not provide for any appeal from a decision under Clause 36. That means the Commissioner is the final authority in all matters wherein licence has to be issued on grounds purely of religion. As I submitted yesterday, this is unconstitutional because it is an unreasonable restriction on religious practices. Even assuming that it is not so, Clause 36 (5) makes it definitely unreasonable because it does not provide for any appeal and the Commissioner can decide in any manner. It is not a judicial decision. Nowhere is it stated that this is a judicial proceeding, and that the Deputy Commissioner has to follow a judicial procedure.

I do not want to repeat the points raised by my friend Sri Srinivasa Shetty regarding jaggery and molasses, but I would only refer to the penalty Clause, 58 (e) which says that a person who buys or sells liquor is to be punished with imprisonment for a term of one year or fine of Rs. 1,000 for the first offence. Selling and buying cannot be put on the same footing. A person may buy for the purpose of drinking. Under Clause 76 you have provided for a lesser punishment for consumption. Consumption can be effected only when a person buys. I buy for consumption. There is no question of buying for any other purpose. If I buy it for selling or exporting or for bottling liquor, then I can understand Clause 58 should operate and there is some logic in asking that he should be punished for one year because it is a question of buying liquor for exporting which is a serious matter. But if a person buys for consumption I do not know why he should be put in the same basis as a person who buys for exporting or other purposes. So this provision in Section 58 (e) passes my comprehension and it is totally illogical.

The other strange thing is that in Clause 59, tapping of toddy is treated as offence. Tapping is no doubt an offence, but you have said

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that a person "who suffers to be tapped" will also be treated as having committed this offence. Not merely does he suffer from this, but he is also made liable to further punishment. I cannot understand the equity of this provision. There should be some limit. In fact, this legislation passes all such limits.

Mr. SPEAKER.—Time is up.

Sri M. C. NARASIMHAN.—Then I would like to refer to Clause 76 and point out the anomaly in it. It says :

"Whoever in any street or thoroughfare or public place or in any place to which the public have or are permitted to have access..."

This is a very dangerous expression. It is not very clear who should permit access. A private individual may permit but that should not justify the prosecution of the person. It must be a public place defined as a public place and that only should come within the mischief of the this clause.

Then another provision to which reference was not made, is that servants are made liable for the act of the master. Servants can be made liable only when the servants are permitted by the master, but when servants are not permitted and when they have not acted with any permission, what is the logic in penalising their master for an act done by a servant. This is opposed to fundamental principles of criminal law.

3-00 A.M.

Lastly I will not repeat about the blood test. There was a controversy whether it is not opposed to Article 20 (3) of the Constitution and whether there was a judgment of the Supreme Court to that effect. Whether there is a Supreme Court judgment or not it is definitely opposed to the idea that one person should not be compelled to give evidence against himself. There may not be a Supreme Court judgment directly on this point, but the other cases of the Madras High Court that were cited definitely lend support to the view that you cannot extend this logic and take advantage of the mere fact that there is no Supreme Court judgment and so you can penalise a person and provide for blood test and all that.

To provide for this 5.05 per cent of alcohol is dangerous. If a person is drunk, his blood content may be 1 per cent now and four days after if a blood test is taken, such a person will go scot free, because the police will rely on this and not on other methods of charging a person and proving the case.

With these observations I appeal to the Government to seriously consider and retrace their steps. Atleast it may be referred to a Select Committee, if it cannot be brought later after a through enquiry.

Mr. SPEAKER.—Now we shall adjourn and meet after half-an-hour.

The House adjourned for recess at Five Minutes past Three of the Clock and reassembled at Forty Minutes past Three of the Clock.

[Mr. SPEAKER in the Chair]

†Sri B. R. SUNTHANKAR.—Sir, as I have said. I rise to oppose this oppose this Bill, because I am totally opposed to compulsory prohibitions i.e., prohibition by law. According to me the whole approach behind this Bill is wrong and irrational, because by imposing it that which is impossible is sought to be achieved. Because prohibition by law is not going to check or curb the drinking habit among the people. There is the experience of the last fifteen years in this country. Prohibition is being tried for the last fourteen or fifteen years in the different parts of the country. And, what does that experience tell us? That experience tells us that prohibition has been a colossal and total failure. The ruling party, in spite of this experience, glaring experience, is not willing to rectify its mistakes. The ruling party i.e. the Congress party, has a fad for improving the morals of the people by law. They are trying to improve the morals of the nation, of the people, by legislation. But morals are not improved by legislation. Prohibition will never be successful by legislation. On the contrary, it has a demoralising effect, and this prohibition law which is in force for the last fourteen or fifteen years has proved it.

India is not the only country which has tried prohibition by law, by legislation. In recent history, prohibition by law, by legislation, was tried in Soviet Russia and in the United States of America. The experiment was tried in both these countries and it failed. But the rulers of these countries were wise and realistic. When they found that the step was wrong, they immediately retraced it and scrapped prohibition law and thereby saved their countries from further demoralisation. But the Congress Governments in this country refuse to learn by experience. They refuse to learn because they are dogmatic and hard-headed in determining their policies and carrying out their policies. They pursue their follies even when it is found that they are follies and even when the find that it is wrong to pursue these policies. American experience in prohibition was quite eloquent in this respect. My Hon'ble friend Mr. Srinivasan Sletty has already referred to it. In America, it was a costly and colossal failure. Far from reducing the drink evil in America, it was found that by making it illegal and by driving it underground, the evil became more vicious and widespread. Due to the consumption of adulterated and raw liquor and raw alcohol, it produced a worse and injurious effect on the health of the nation than would have happened without prohibition. So prohibition proved in America as an unmitigated evil for American society. In India, we are having the

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same experience and the same evil effects. Only the American Government was wise and they withdrew it, while our Governments have not grown wise from the experience. The Soviet Russia also tried prohibition just after the Revolution. But when they saw that it was unsuccessful, they dropped it and tried other measures to curb the drinking habit among the Soviet people. They took some very important measures. They imposed a compulsory ceiling to the alchohal contents in their popular drinks and they took to wide sale of cheap and harmless wines with no percentage of alchohal, and it was found after some years that these measures altogether changed the drinking habit of the Soviet people. Similarly, Sir, I may quote the example of France. In the present day France, the drinking habit has become excessive. I am told it has passed the limits. Here is a description which shows to what extent this drinking habit has become widespread in France. "In contemporary France where twenty lakhs men and three lakhs women drink more than three-and-a-half pints every day, all the year, all Frenchmen spend twelve hundred billion francs in drinking, *i. e.*, more than the combined household costs, including furniture, water, gas, electricity, food, coal, rents, repairs, maintenance and domestic health. Such a situation has arisen and it is a serious problem." So, in France, the drinking habit has gone to the excessive limit. But the Government there never thought of introducing or trying prohibitions. To meet this problem, to improve this serious situation, they did not commit the mistake of introducing prohibition. What they did was, they appointed a high committee for the study of alcoholism in France. The committee investigated the conditions in French society and on the recommendations of the Committee, the French Government undertook a vigorous campaign of education and enlightenment, particularly among the school children, giving them warning facts and figures collected by this high committee. That is how France is facing the problem by a campaign of education and enlightenment and not imposing prohibition by law.

In India, the problem of prohibition has been studied in no less than three States. My Honourable friend Mr. Narasimhan has reports of the enquiry committees of Andhra Pradesh and Madhya Pradesh.

The Hyderabad Government also has appointed an enquiry committee in this respect and all these three committees came to the unanimous conclusion that prohibition is not successful and cannot be properly enforced. I may quote from the report of the Hyderabad Committee. They say :

"Prohibition drains the State of revenue, while illicit distillation drains the people of both money and morale."

They further say :

"If, by and large, the effect of prohibition is to divert custom from the quondam Government shop to the clandestine

one provided by the illicit distiller, and, therefore, to make the poor man pay more money for worse drink, Government merely losses its revenue without any corresponding gain to the income of the poor."

Sri VEERENDRA PATIL.—When was it appointed ?

Sri B. R. SUNTHANKAR.—I do not know. I am quoting from the Gorwala Report.

Sri VEERENDRA PATIL.—The entire Hyderabad State was wet. Therefore, I am wondering where was necessity for the Hyderabad Government to appoint such a Committee. I come from that area and I have no knowledge about the appointment of such a committee.

Sri B. R. SUNTHANKAR.—While dealing with prohibition, Sri Gorwala has quoted from the report of that committee. So, it must be authentic. So, prohibition means throwing away Government revenue without really stopping people from drinking. That is what has been the effect of prohibition in this country and the experience in this State is not otherwise. Prohibition has utterly failed and is bound to fail in this State also.

In spite of the quixotic efforts on the part of the over-enthusiastic Home Minister of this State, prohibition is bound to fail in this State also. About a month ago he came with his staff and raided the dens of bootleggers in the streets of Belgaum and as a result hundreds of people were rounded up.

Sri C. M. ARUMUGHAM.—Sir, what right has the Minister for Excise got to bring this Bill when his own area is still wet. Let us have some moral background for bringing in this legislation. Let him first introduce prohibition in Gulbarga and then in other areas.

Sri B. R. SUNTHANKAR.—Prohibition has failed to check the drinking habit of the people. Drunkards have been drinking; then get a lot of supply from anywhere. On the contrary, the drinking habit has increased in recent years as my friend Comrade Narasimhan has pointed out. Even women and children are taking to drinking. It has become widespread even in the interior villages which had formerly almost abstained from drinking. I am speaking this from my own experience of the villages round about my district and taluk. Formerly, we used to go to the villages in the evening, but now in some villages it is impossible to go after darkness because most of the people will not be in their senses. Besides, prohibition has added to corruption, particularly among the police.

Sri H. M. CHANNABASAPPA.—You want that state of affairs to continue?

Sri B. R. SUNTHANKAR.—The law cannot check it. The police have benefited most by this prohibition. Recently, I had the opportunity to meet a number of persons dealing with illicit liquor by the grace of this Government. I was for two weeks in the Belgaum Central prison and there were in that prison about 400 prohibition convicts. I had an opportunity to talk to them and discuss with them. I could elicit a lot of information from them. I know all the processes involved—from the stage of distillation to the last stage of the liquor reaching the customer. There were convicts who had come four or five or even dozen times for committing the same kind of prohibition offence.

I asked them whether they could make any money by this illicit trade. Most of them told me that the money they earn is eaten away by the police. One bootlegger from my constituency told me that he had to pay Rs. 800 per month to the police. There are hundreds of such persons in the Belgaum city and District.

4-00 P.M.

Sri H. M. CHANNABASAPPA.—Has the Hon'ble Member done his duty when he came to know that such and such a thing is going on? Particularly when he came to know that Rs. 800 was paid to such and such a person, did he inform anybody? I feel that as a responsible person, it was his primary duty to bring such a thing to the notice of the authorities and see that corruption is put down. Unfortunately having failed in his duty, he is making a mention of it here. I expect a member like Sri B. R. Sunthankar who is interested in the morale of the people of the country to bring to the notice of the Government such facts.

Sri B. R. SUNTHANKAR.—May I know whether any convict would tell me the name of the police? He did not disclose the name.

Sri V. SRINIVASA SHETTY.—Does the Home Minister think that he is unaware of these facts?

Sri H. M. CHANNABASAPPA.—The Home Minister knows much more than what the Hon'ble Members know. But I would ask him whether he did his duty.

Sri B. R. SUNTHANKAR.—There is no doubt that prohibition has added to the corruption. Illicit distillation has become widespread and very profitable. It has developed into a flourishing cottage industry. Four seers of gur costing Rs. 1-3-0 and a pinch of Navasagar would fetch Rs. 10 to 12 by producing four bottles of liquor. I know that there is a place very near to our district where one bottle of which costs Rs. 10 in Goa will fetch Rs. 15 if it is brought across the border. So, one bottle gives a profit of Rs. 15. As my Hon'ble friend Sri M. C. Narasimhan has stated, people have made money not out of abstinence to buy illicit trade in liquor. This is the result of 15 years of prohibition. Prohibition has become more injurious to the health because drunkards are drinking liquors which are adulterated. In this respect also,

prohibition has not come to the aid of the people. Prohibition when viewed from another point of view, it has encouraged disrespect to the institution of law. It is observed more in breach of law and that is why the institution of law has come to a danger point. This is having a bad effect on the society in general. The law has lost its prestige and dignity in the minds of the people and that is very harmful to the Nation. I am of the opinion that compulsory prohibition in India is not only unnecessary but it is quite superfluous. Drinking habits or alcoholism is not at all widespread in India. It is limited to a very insignificant section of the community as a whole. In our country our religion teaches us that drinking is an evil; it is considered a sin and even a drunkard possess that sense of guilt. From that point of view, the atmosphere is very favourable in our country. There is also moral sanction in the society against this drinking habit. But this policy of prohibition has helped to nullify this moral sanction. Compulsion is bad. Self restraint is the best restraint. So, prohibition if it has to become successful, it must come from self-restraint. Compulsory prohibition has created a sort of psychosis among the people. When this psychosis works it works against prohibition. So, prohibition has negated its own object and that is the reason why it has failed.

Prohibition was one of the programmes of Mahatmaji. But it was not a main programme. It was a minor programme. But, now the rulers of this country have brought it to the level of high policy. It was an error of judgment on the part of the ruling party. It was a mistake. When it is found out, it is always wise to rectify as early as possible. I would like to draw the attention of the House to the views expressed by the Prime Minister, Sri Jawaharlal Nehru, the supreme leader of the ruling party, at the Congress Session in 1956. An amendment was moved to the election manifesto suggesting that prohibition be immediately introduced throughout the country.

Sri ALUR HANUMANTHAPPA, [Chairman in the Chair].

Sri Jawaharlal Nehru was the Congress President then. What was his reaction to the amendment? He characterised it in his fine way that it is preposterous; it could not be done by merely writing on the paper. For instance in the tribal areas prohibition cannot be introduced; nor do I want to do it.

Sri C. J. MUCKANNAPPA.—I raise a point of order. Under Rule 9 of the Rules of Procedure and Conduct of Business you cannot occupy the Chair to conduct the proceedings. I will read the rule for the benefit of the House and also the Chair.

Rule 9 says :

“At the commencement of every session, the Speaker, shall nominate from amongst the members of the Assembly a panel of not more than four Chairmen, any one of whom may preside over the Assembly in the absence of the Speaker and the Deputy Speaker, when so requested by the Speaker, or in his absence, by the Deputy Speaker.”

(Sri C. J. MUCKANNAPPA)

So, you were not nominated when we met last. There was no nomination made by the Speaker to the Panel of Chairmen. So you cannot conduct the business of the House because this is not an adjourned meeting of the Budget Session. So any business that is transacted under your chairmanship will become *null and void*. Such a thing happened when Dharmaparakasha Sri L. S. Venkaji Rao was in the Chair, and the Speaker was pleased to give a ruling that the whole thing is *null and void*. It is a strange thing that has never happened in the history of Mysore Legislature or in India. So, Sir, I request your goodself to vacate the Chair.

Mr. CHAIRMAN.—There is no need to vacate the Chair. He may please continue.

Sri C. J. MUCKANNAPPA.—This is a rule which has been approved by this August House. You and I have no option. Unless the Speaker nominated you in the last session as one of the four panel of Chairmen, how do you continue to occupy the Chair? Under the Constitution when there is no panel of Chairmen in the House, if the presiding Officer who is in the Chair wants to go out, he has to put the matter to the House and then he has to take the consent of the House and put you there and go out. In the absence of these things, I appeal to the Chair on behalf of this House and on behalf of the Opposition that it is not fair for you to sit in the Chair. Anything that happens under your Chairmanship will be *null and void*.

Mr. CHAIRMAN.—According to him it is *null and void* but I say it is not *void*.

[Mr. SPEAKER in the Chair]

Sri C. M. ARUMUGHAM.—I just tuned up in my office and found that Sri Muckannappa was raising a point of order and he was firing at the person who was occupying the Chair. So I ran back.

Sri C. M. ARUMUGHAM.—Now, Sir, here is an article in the Constitution. Article 95 says:

- (1) While the office of Speaker is vacant, the duties of the office shall be performed by the Deputy Speaker or, if the office of Deputy Speaker is also vacant, by such member of the House of the People as the President may appoint for the purpose.
- (2) During the absence of the Speaker from any sitting of the House of the People the Deputy Speaker or, if he is also absent, such person as may be determined by the rules of procedure of the House, or, if no such person is present, such other person as may be determined by the House, shall act as Speaker."

Now, in your absence Sri Alur Hanumanthappa was presiding. May I know when the office of the Speaker was vacant, whether Sri Alur Hanumanthappa was appointed by the Governor to act as Speaker?

MR. SPEAKER.—After all, these questions have been discussed many a time and there is nothing new about it. Article 180 says :

- (1) While the office of Speaker is vacant, the duties of the office shall be performed by the Deputy Speaker or, if the office of Deputy Speaker is also vacant, by such member of the Assembly as the Governor may appoint for the purpose.
- (2) During the absence of the Speaker from any sitting of the Assembly the Deputy Speaker or, if he is also absent, such person as may be determined by the rules of procedure of the Assembly, or, if no such person is present, such other person as may be determined by the Assembly, shall act as Speaker."

It has been ruled in the Rules of Procedure that.

"At the commencement of every session, the Speaker shall nominate from amongst the members of the Assembly a panel of not more than four Chairmen, any one of whom may preside over the Assembly in the absence of the Speaker and the Deputy Speaker, when so requested by the Speaker, or in his absence, by the Deputy Speaker."

Now, this sitting of the Assembly is a continuation of the Budget Session. It has been adjourned from time to time and it has not been prorogued. The end of the Session occurs only when it is prorogued. If it is adjourned, the same session continues in different sittings and the same panel continues. After all, we are at the end of five years. Why raise this objection at this late hour? That means Member's have not read anything at all. Sri Hanumanthappa is one of the Chairmen and as such he is entitled to take the Chair when the Speaker asks him to do so. At the same time, I make a request to the Members that when they raise a point of order, it should be really a point of order or a real constitutional point of order.

SRI J. B. MALLARADHYA.—I am only sorry. Perhaps my friend Sri Muckannappa was not aware that this was adjourned session and not a prorogued session.

SRI C. J. MUCKANNAPPA.—At the commencement of every session, I felt you are entitled to nominate Chairmen under Rule 9. But you say it is a continuation of budget session.

MR. SPEAKER.—It is the continuation of the same session. At the commencement of the Budget Session, I have nominated Panel of Chairmen and since the same session is being continued, the same panel of Chairmen is entitled to take the Chair whenever the Speaker or Deputy Speaker orders there to do so.

Sri C. J. MUCKANNAPPA.—It is not my ignorance or any such thing. Let not my friend Sri Mallaradhya or the Hon'ble Speaker mistake me. I thought under Rule 9, the commencement of every session meant commencement of every sitting.

Mr. SPEAKER.—That is exactly the mistake made by the Hon'ble Member. A session concludes when the House is prorogued and a session continues when the House is adjourned from time to time. If such a difference is not understood by a Member after such a lapse of time, I am really sorry.

Sri ALUR HANUMANTHAPPA, [Chairman in the Chair].

Sri B. R. SUNTHANKAR.—I was quoting Pandit Jawaharlal Nehru. This is what he said in the Congress Session. He said that in the tribal area prohibition cannot be introduced, nor do they want to do it and that such things cannot be done by compulsion and force. This is what he said about the tribal areas. The same thing holds good for the mining area; Just as my friend Mr. Narasimhan pointed out yesterday and similarly the same applies to the labourers in the gold mines. I think Government should take a clue from the utterances of the supreme leader and grow wise and scrap prohibition legislation. If at all prohibition is to be successful, it should be successful only by education and enlightenment and not by legislation. The reasons which prompt people to drinking should be examined and found out and these reasons should be removed. Why people as a rule take to drinking? Because life to them is miserable, full of worries, life is a drudgery to them. When they find life hell like they seek oblivion in drinking, as a relief they take to drinking. If life becomes worth living and enjoyment, they will not take to drinking. When a worker is given sufficient ways to live a decent human life, and when he is ensured of tolerable working conditions, he will not risk all these facilities by wasting his hard earned money on drinks. Let there be enlightened propaganda on a large scale against alcoholism and drinking habit; let there be alternate facilities for diversion and recreation and enjoyment; then he will follow automatically prohibition without compulsion. There should be no compulsion. Compulsion leads to worst effects as has been experienced during the last 14 years.

Lastly, before concluding my speech, I appeal to the Government, I appeal to the Minister who has moved this Bill, to learn from experience, to be realistic and grow wise, to grow wise by experience. Let them take courage in both hands and abandon this silly policy of prohibition. They will serve the State and the nation better and more by doing so. Thank you.

Mr. CHAIRMAN.—Sri Shamsundar.

Sri G. N. PUTTANNA.—Yesterday my name was given and till to-day I have not been allowed a chance. This is not what I expect from the Honourable Chair.

Sri G. VENKATAI GOWDA.—I wish to say that whoever catches the eye of the Chair, should be called. That is the established convention; but it should not be on the basis of the list given to the Chair.

Mr. CHAIRMAN.—I think that priority should be given to those who have sent in their names. The procedure is that the Congress Party will send the names of persons desirous of speaking; so also other parties.

Sri J. B. MALLARADHYA.—On behalf of the Opposition a list is given and the usual convention is that unless the Speaker otherwise considers it necessary, the chances are given in that order. Mr. Puttanna's name must be there in the list.

Mr. CHAIRMAN.—I was told by the Speaker to give a chance in the first instance to Sri Shamsunder to speak. Let him make his speech; then others will be given chances.

Sri S. D. KOTHAWALE.—On this side, nobody has so far spoken and I had expressed my desire to speak, but somehow or other I have not been called upon. At least the next chance should go to me.

Mr. CHAIRMAN.—In giving chances to members, we shall adopt the usual procedure that has been followed in the previous meetings. The list will be given by the whip of the Congress Party as also by the Leader of the Opposition. Independent members also will give their names or send a letter. We will give them all chances to speak.

Sri G. N. PUTTANNA.—What I say is that the list given yesterday is not adhered to. Why this shuffling?

Mr. CHAIRMAN.—I will check up.

Sri G. N. PUTTANNA.—It was given yesterday.

Mr. CHAIRMAN.—I will look into it.

4-30 P.M

† Sti B. SHAMSUNDAR (Bhalki).—Mr Speaker, Sir, yesterday when the Hon'ble Minister for Excise presented this Bill for the consideration I felt that he was making a coco-tail speech. Sir, anything that forces a person not to do a certain thing will only result in enraging him to resort to violate it. He will react against such a force. It is a thing known to all that when the so called Almighty God asked Adam, whom he had created, to restrain from eating some fruit. He did eat it and so; he had to come to earth. The same fellow cannot now be expected to follow your rules and regulations. We have before us the experience of introduction of prohibition in America and other countries and we all know the results achieved there. Knowing well the results still this Government is persuing this in this country. I do not know the reason for this pursuation. Sir, our Congress people are advocating all these fourteen years for family planning and in spite of all their efforts, the population is increasing.

Sri K. S. SURYANARAYANA RAO.—But for them, it would have increased still more.

Sri B. SHAMSUNDAR.—Yes, you want to introduce prohibition to improve the health of the people. But, you see the reports throughout India, wherever prohibition was introduced. People are suffering from various kinds of diseases; tuberculosis has become rampant in such areas because they have taken up to drinking liquor prepared out of illicit distillation. Sir, it is human nature and some resort to wine and women. We read in Puranas that even the Gods were drinking. It is said that even Brahma one day became so much intoxicated that he ran up his own daughter; I do not know whether it is all true, but it is said in Puranas.

(laughter)

To give another instance,

Sri C. M. ARUMUGHAM.—I rise to a point of order. Sir, it is a well established convention in this House that a member who is not here to defend himself should not be quoted and should not be referred to. So, Brahma is not here and therefore he should not be referred to. Is the Hon'ble Member in order in referring to a person who is not a Member of the House and who cannot defend himself?

(laughter)

Mr. CHAIRMAN.—There is no point of order in it.

Sri B. SHAMSUNDAR.—Sir, I am referring to a case which had appeared in almost all the papers in the world. In France, a case was instituted against some pictures and some boys were prosecuted because they were selling those pictures and they were pictures of nude women. The Government wanted to punish them according to law. The Court observed that if these pictures were to be prohibited, then almost all the pictures existing in France have got to be prohibited. So, no law can interfere with the habits of the people. You cannot tell me to do this and not to do that. Sir, I am reminded of the beautiful picture of Omar Khayum sitting beneath a tree with a glass of wine in his hands and a damsel before him. He says: 'With you and with a glass of wine nothing else bothers me.' So, how can you ban that? There is a book called *Anangaranga*. It is full of all these things. Sir, if you only allow me I will take the names of very big persons and some of the Ministers who drink; but, I know, you will not permit me to do so and therefore I shall not name them. Sir, there is another book called *Narthani Mahatme*; it is a beautiful book about wine and women. It describes how a person would be taken nearer God by these. (laughter) Sir, there is a sect in Hindu religion called *Charvakas*. In their worship; they have to use wine. It means, you are unnecessarily interfering with human feelings and human liberties. I do not know whether those in the Government have understood the Constitution. Clause 65 of the Bill says that people will be punished for printing or publishing advertisement relating to intoxicants or circulating newspapers etc., containing such advertisements. Sir, in Omar Khayam there is beautiful poem.

It says: "O! my beloved, if you want me to drink, come nearer; if you want to give me a glass of wine, unite your eye sight with that of mine."

That is how some people feel paradoxical pleasure in wine. Sir, it is said that to improve the health of the people that prohibition is introduced. This has no basis. On the other hand, more people are dying by drinking illicitly manufactured liquor. I want my Congress friends to understand the consequences of this and how this will interfere with the human liberties. Why we are interfering with the liberties of the people, when America has failed altogether. George Lindsay one of the great authorities on the subject has written so much about prohibition. In the end of he comes to the conclusion that it should not be enforced. Can you say, we are here 44 crores in India—how many of us drink? Very few. Very few people drink and if I prove you Sir, I have been in Paris and I have seen practically every boy and every girl drinks. They have got robust health. They have got beautiful bodies! Even from a distance, you can be attracted. But here you have got pigmies, black people with no charm or health; health is wasted and you want to further reduce them to ashes! What percentage? 99.9 per cent of people in Europe drink.

Sri J. B. MALLARADHYA.—Is it the suggestion of my friend Mr. Shamsundar that people in India particularly women do not provoke the mainsprings of romance or what is the point? I do not quite follow!

Sri B. SHAMSUNDAR.—(*Spoke in Urdu*)

Sir, it is very difficult, it is very difficult to understand wine and women. Very difficult indeed. You may not try it.

Sri J. B. MALLARADHYA.—I support him Sir.

Sri B. SHAMSUNDAR.—Do you seriously suggest that those who drink spoil their health? It is a very bad. It is certainly not. I have so many friends drinking. They have got good health. There is no harm.

Sri B. VAIKUNTA BALIGA.—I think romance was outside the legislature—not inside. My Hon'ble friend wants to bring it inside the House.

Sri J. B. MALLARADHYA.—My friend wants to expound on the romance of prohibition.

Sri B. SHAMSUNDAR.—In France, in Europe, those who drink have very good health and health is far superior to our people. It is not drink that spoils the health.

(*Spoke in Urdu*)

You have not been able to provide good wholesome meals, good food to our people and you want to prohibit this and that. This entire show.

(Sri B. SHAMSUNDAR)

of your policy of your Government is a farce altogether! That will spoil the health of the people. Not drink. Go to the villages—I do not want to give instances after instances—where there was one criminal, now it has been multiplied by 20. As my friend Sri B. R. Sunthakar has narrated so many distillaries have come up. If there had been no prohibition, one distillery some where would have provided good stuff to those who needed—whoever wants it. For example take this whisky. I have been seeing people. They drink as Mr. Mallaradhya told us, there are people who drink three bottles. I mean Mr. Mallaradhya does not drink. I only said, 'he referred'. He said there are people who drink three bottles. They are keeping very good health.

Sri C. J. MUCKANNAPPA.—Have you got any personal experience?

Sri B. SHAMSUNDAR.—But, I have got the experience of seeing people who drink and they are keeping good health.

Sir, I do not want to say any more. The difficulty is this. These Devathas, Khaddar Devathas, manufactured Devathas—I do not know what entered their mind. They think that they can revolutionise anything whatever comes to their mind. They can change it. Even all the religions in the world, Christianity, Islam—Islam is the deadliest enemy of drinking. When the Prophet once came to know of a case of drink, he said—prohibit it by slow degrees. There should not be complete prohibition. But slow degrees. That has been there. In Pakistan, they drink.

Sri D. ABDUL RASHEED.—He is wrongly quoting Sir. Will the Hon'ble Member please prove it.

Sri B. SHAMSUNDAR.—I know it. Once a case was brought to the notice of the Prophet. I know these things:

(Spoke in Urdu).

Sri C. J. MUCKANNAPPA.—I request the Hon'ble Member to say only his experience.

Sri B. SHAMSUNDAR.—I am quoting from other's experience. That will be taken as my experience.

Sri S. D. KOTHAWALE.—There is time limit for speeches Sir.

Mr. CHAIRMAN.—How much time does he require? Let him finish in one or two minutes.

Sri B. SHAMSUNDAR.—I will finish in ten or fifteen minutes Sir.

Sri VEERENDRA PATIL.—May I know whether there is any time limit fixed?

Mr. CHAIRMAN.—Yes, he has already exceeded the time limit. Let him finish in one or two minutes.

Sri B. SHAMSUNDAR.—I am speaking about intoxicants Sir. You will introduce this Bill. You do not want to get yourself profited by the experience of others. Then the conclusion is irresistible that you are out to ruin the health of the entire people. Now will you tell me with your own conscience—if you have got any conscience, how many leaders of the Congress Party drink? The greatest man in the Party—excuse me for saying this—he drinks well and drinks good wine and keeps good, very good health, better health than any body else.

Mr. CHAIRMAN.—He should not mention names.

Sri B. SHAMSUNDAR.—No, I will not mention names. What I say is, if you take bad things, there is harm. When you take good things, there is no harm. Even rice which is the normal food, will cause harm to health if it is taken in larger quantities. It is harmful. Anything if you take in moderation is bound to be good. It should not be a crime or sin to prohibit anything. That is why I oppose this Bill and I appeal not only to this House and to the Minister here, that we should start education in this direction. The congress people, I do not know how far they are true to their own policy. It is only an exhibitionist mentality, that has been spoiling the entire country. This exhibitionist mentality should be curbed down. Otherwise, in their zeal for over-doing things, they may ruin the entire country. thank you sir.

Sri S. D. KOTHAWALE (Chikodi).—Mr. Speaker, I rise to lend very strong support to this very important measure. Prohibition law is in force for some years. This Legislature and the other Legislatures in the country have considered the *pros* and *cons* of the principle of prohibition and it is only then that these measures have been accepted. The present Bill is intended to bring about uniformity and consolidate the law bearing on this subject. It was not necessary to go into the fundamentals of this problem as some of the Hon'ble Members of the Opposition did, but since they have done I shall say a few words with respect to the arguments advanced by them. The subject of prohibition can be divided into two parts, namely the principle of prohibition and the enforcement of prohibition. These should be separately treated for the sake of convenience. From the speeches so far made the impression that I gather is that none of the members of the Opposition are opposed to prohibition in principle. I raised this point particularly when the Hon'ble Member Sri Narasimhan was on his legs and asked him whether he is opposed to prohibition in principle. He did not say that he was opposed to it, but all the arguments that were advanced by him were to show that enforcement, in his view has failed. All the other Hon'ble Members of the Opposition who spoke with the exception of Sri Shamsunder seem to be of this view. The Hon'ble Member of Sri Shamsunder tried to describe the ecstasy of drink. I do not know what he meant, but one gets the impression that probably he has that experience himself. That is a matter for him and I am not very much interested in it. With the exception of Sri Shamsunder nobody said that they

(Sri S. D. KOTHAWALE)

were opposed to prohibition in principle. The Hon'ble Member Sri Sunthankar gave very important support to the principle of prohibition. He was pleased to say that in India all religions are against the evil of drinking. He said that public opinion is against it. He said that even a drunkard feels that it is bad to drink. But he says that simply because prohibition law is passed people have lost all religious sense. It is a very strange logic and nothing can be more absurd than this. He has cited the case a village in the vicinity of Belgaum. He claims to be a leader of that part. He says that he is afraid to go there at night because at that time the people do not remain on their senses. I do not understand what type of leader he is. A leader of the type he claims to be should exercise some control over persons who lose their senses. I do not know how he leads them.

Sri C. J. MUCKANNAPPA.—Sir, this is a damaging statement. Can my friend exercise control over all the people in Chikodi? What is this? He is behaving like a dictator here like a small Hitler. In India except Mahatma Gandhi even Pandit Nehru cannot have control over the entire country. What nonsense is he speaking?

Sri VEERENDRA PATIL.—Sir, my Hon'ble friend Sri Muckannappa just now said that what Sri Kothawale is speaking is nonsense. May I know whether it is parliamentary?

Mr. CHAIRMAN.—A point of order has been raised.

Sri M. RAMAPPA.—Before you give your ruling we would like to make our submission. What Sri Muckannappa said was that what Sri Kothawale has said is nonsense, that means that it does not make any sense, the argument of Sri Kothawale does not make any sense. Let us all be very clear about it. Let us not express our views in a hurry. Sri Kothawale asked what type of leader Sri Sunthankar was when he cannot have control over the people in his constituency. That, Sri Muckannappa, said is very nonsensical and asked how any member can have control over the entire constituency. What we meant was that what Sri Kothawale said does not make any sense.

Sri H. M. CHANNABASAPPA.—The spirit behind the point raised by the Hon'ble Minister Sri Veerendra Patil is that as far as possible in order to maintain the dignity of the House it is better that we use language which is very desirable. It may be that a word may be parliamentary, but still the context in which we use and the circumstances in which we use it may be taken to mean differently. That is the spirit of what he said and that it is that far as possible dignified language should be adopted while addressing other members.

Sri J. B. MALLARADHYA.—I agree with the Minister for Home. I should like a great Parliamentarian like Sri Kothawale to be little reticent in the use of language. He attacked my friend on the Opposition Sri Sunthankar on personal grounds on personal level. In such

circumstances you cannot expect people to maintain their temper. Granting that he might have said like that, that is no reason for my friend Sri Kothawale to attack him. I would ask my friend Sri Kothawale whether, in spite of all the moral qualities that he possesses, he can control the entire public in his constituency.

I would only say it is better to leave these things like that and not make a big issue of them. .

Mr. CHAIRMAN.—Hon'ble Members are requested not to use such words which would affect any Member here.

Sri C. J. MUCKANNAPPA.—At the same time I request the Chair to protect the Hon'ble Members and not allow such aspersions to be cast against them.

Sri N. O. SAMAJI (*Marathi*).

Mr. CHAIRMAN.—If he knows English, let him speak in English.

Sri G. VENKATAI GOWDA.—I would ask Mr. Kothawale to translate it. (*laughter*).

Sri J. B. MALLARADHYA.—I really did not follow what my friend Sri Samaji said. It is worthwhile that the Hon'ble House should know what exactly he said. I would very much wish that my friend Sri Naghnoor makes a translation for the benefit of the House.

Mr. CHAIRMAN.—Let us close it now. As far as possible members should not mention the names as was done by Sri Muckannappa. Let the Hon'ble Member Sri Kothawale continue.

Sri S. D. KOTHAWALE.—Sir, I was referring to the two points mentioned by Hon'ble Mr. Sunthankar. He said that the religious sentiment in India is against drinking. He admitted that there is an overwhelming public opinion against the evil of drink. He added that people taking to drinks become senseless. I would only ask if there can be greater support to the policy of prohibition than in the points adumbrated by my friend Sri Sunthankar. But the thesis that follows in the mind of Hon'ble Member is contradictory. He says that because of the introduction of prohibition law, the good sense of the people has been lost to them. This logic, this reasoning is unacceptable to any person who can think for himself. That is precisely the reason why prohibition law has come into existence. I entirely agree with him that there is overwhelming public opinion in support of prohibition policy. There has always been a religious and cultural background to the enforcement of prohibition law. This supports the fact of large-scale demand for prohibition. In fact, any law can be justified only if there is a strong volume of public opinion in favour of it, especially if it concerns the habits of people. I am afraid the greatest justification for prohibition has come from Hon'ble Mr. Sunthankar himself.

Sri M. C. NARASIMHAN.—I am afraid Mr. Kothawale is mistaking abstinence of people for support to his policy.

Sri S. D. KOTHAWALE.—I have tried to quote Mr. Sunthankar correctly and faithfully.

Sir, our Constitution has had the unanimous support of the people. Article 47 of the constitution has secured approbation of people all-round. This Article prohibits consumption of intoxicating drinks and drugs. The Constitution has been adopted by the people. The Directive Principles are a source of guidance to the State and the State is bound to give effect to them by making laws. The people of India have therefore accepted prohibition as a matter of State policy and there is no question of going back on it now. We are trying to enforce it and this is not the first time that we are doing it. I am sorry Hon'ble Members of the other side are forgetting all these principles and are raising certain pleas which they themselves have discussed.

Sri B. SHAMSUNDAR.—When the Constitution was framed there was no Opposition party at all. The Constitution was framed and passed by a party. It is a party constitution. The parties have come into existence later.

Sri S. D. KOTHAWALE.—I may remind my friend that Dr. Ambedkar had a big share in shaping the Constitution and it does not suit him to say that it was a party Constitution. The constitution was unanimously accepted by one and all.

Sri G. N. PUTTANNA.—Who don't you remember the D.M.K. of Madras?

Sri C. M. ARUMUGHAM.—What is this reference to D.M.K. in Madras. I want a clarification from the Chair (*laughter*).

Sri S. D. KOTHAWALE.—Sir, I know Sri Shamsundar gave a description about the rapturous joys that people who drink experience. He is the only person in the House who is apposed to prohibition, in principle. But all others object to prohibition chiefly on the grounds of failure in the enforcement of prohibition. Once, we accept the policy of prohibition it should be enforced thoroughly and adequately. Otherwise, there is no purpose in our framing this law. For the success of any social law, the coercive powers of the State become necessary. Of course I see the point that propaganda and persuasion should go hand in hand with the enforcement, by the State. There can be no dispute about that, but if we are serious about the policy of prohibition, it must be enforced strongly. Therefore certain penalties and punishments have been provided for in this Bill.

One of the points that was made out by the Members of the Opposition is that the proposed punishments are barbarous. That is what Hon'ble Sri Srinivas Shetty said. The point is, that we must realise here, what we want to do. If we want to make prohibition effective, it is better to prescribe strong and deterrent punishments. Otherwise, it is not possible to enforce prohibition. For enforcing that,

we should have a machinery free from corruption to detect the prohibition offences, and we should seek public co-operation in the matter. That is why the minimum punishments are prescribed in the Bill. People should know that. In some statutes the maximum punishment are prescribed and discretion given to the judicial authority to award punishment to the maximum limit. But in the matter of prohibition the people must know what the conscience of the society want. If this particular evil is to be stamped out; the person who wants to break the law either voluntarily or through the force of habit should know that this is a measure where in the maximum punishment is prescribed. They should take notice of it. Therefore, for the success of prohibition the maximum punishment should be provided for.

Some Hon'ble Members and particularly Mr. Narasimhan said that there is discrimination in the Bill. Well, there are some exceptions recognised—some licences, some permits, emergency permits etc., are contemplated in favour of addicts, foreign tourists and others. Those persons who all their lives are addicted to drink will find it difficult to live without drink and they may collapse. In order to sustain them, under medical advice, some exceptions are introduced alcohol is necessary for medicinal preparations. For reasons of health, and similar emergencies permits are contemplated to be issued. In regard to tourists, also the same consideration applies. Tourists, who are habituated to drinks can not be deprived of them when they visit India. Drinks are commonly taken in Europe and other cold countries. As they are accustomed to such a life, when they come to India, it is not for us to come in their way and it is not for us to ask them to lose their health, for want of drinks it is practically on the same consideration or on the same level of drink-addicts that permits are issued to them. For the purposes of accommodating their habits, on the basis of human considerations and for nothing else, these exceptions are made.

Some Hon'ble Members suggested that for the purpose of attracting tourism, these exceptions of issuing permits, etc., are made. I do not want to base my argument on that. It is only to accommodate the habits developed in their own countries where drink is a normal thing, and in order to accommodate them in this country where they remain for some time, these exceptions are made. Therefore, consumption transport, possession sale, etc. of alcohol are prohibited, subject to a few reasonable exceptions.

Sri M. C. NARASIMHAN.—If you will kindly yield..

Sri KOTHAWALE.—I have no time.

Mr. CHAIRMAN.—Please conclude.

Sri. S. D. KOTHAWALE.—Some exceptions are made in the case of medicinal preparations. A point was made out by Hon'ble Mr. Narasimhan that there are certain preparations which require a high percentage of alcohol. Particularly for the twelve per cent.

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mentioned here, medical opinion is taken into account to find out what is the necessary ingredient of alcohol for the purpose of preparing medicines, so that the medical may be useful. In view of medical opinion, that percentage is mentioned here. Therefore, honourable members may rest assured that just exceptions have been made in the case of medical preparations and for the considerations of health and life long habits. Subject to these exceptions prohibition is sought to be enacted in this Bill and there should be no grievance.

One point was made out with regard to the prohibitions of advertisements of drinks, that it is a scandalous thing to prohibit such advertisements. I fail to see the point. Rather, it will be illogical to approve of prohibition on the one hand, and at the same time to permit these advertisements. We cannot permit such advertisements. That will particularly defeat the very purpose of this Bill. It was argued by the Opposition that this Bill, in prohibiting advertisements, will come in conflict with Constitutional provisions regarding the freedom of speech. These objection is not well founded the Article 19 (2) says, that reasonable restrictions may be put on the right of speech and expression and all that. The Constitution which issues a directive principle of Prohibition contemplates necessarily such a restriction as being reasonable. Therefore, it does not lie in the month of the members of the Opposition to say that here is an invasion on the right of speech as contemplated by the Constitution.

Another objection was raised regarding the taking of blood tests. It was stated that this was an invasion of Article 20 (3), wherein it is stated that no person can be made a witness against himself. Here, the entire thing is misconstrued. This was a subject matter of certain judicial proceedings, wherein such an objection was not upheld. I wish to bring to the notice of the Hon'ble Members the cases where murder is involved and the articles of such persons, clothing etc., are taken for the test of the blood contained on those articles....

Sri G. VENKATAI GOWDA.—My friend is misconstruing articles of accused for blood tests. Articles of apparel, etc., are taken out for blood tests. If articles are construed on a part with blood tests, God alone should come to the rescue of the Government.

Sri S. D. KOTHAWALE.—Articles and other things are taken for tests and as witness....

Sri G. VENKATAI GOWDA.—If that is the argument of the Hon'ble Member, I do not know how I can convince him.

Sri S. D. KOTHAWALE.—I am not convinced, by your argument I am not worried if you mis-understand my argument.

Sri M. C. NARASIMHAN.—On a point of order, Sir, sometime ago, you said that members should not use such expressions. He is speaking for our benefit.

Sri S. D. KOTHAWALE.—I cannot convince a person who refuse to be convinced.

Sri C. M. ARUMUGHAM.—On a point of order, Sir. He is speaking for the benefit of the House and for the benefit of the Hon'ble Members. When that is so, when some Hon'ble Members ask for clarification, can he say that he is not bothered or worried whether they understand him or not ?

Sri C. J. MUCKANNAPPA.—When some of us were speaking, the Hon'ble Member Sri Kothawale was levelling a charge against the Members of the Opposition that we are dancing to the tune of the gallery or some such thing. Now, what is he doing ? Is he not doing the same thing ?

Sri S. D. KOTHAWALE.—Sir, the interpretation given by the Hon'ble Member of the Opposition to clauses of the Article 20 is not correct. There is no decided case on the point. So much noise was made about the decision of the Supreme Court on this point. They have not been able to find out and produce one. Therefore, as matters stand now, one can conclude that the compulsory taking of blood for test is not against the Constitution. This provision has been in the Bombay Act and so far nobody has challenged it and it is in operation.

There is one more point to which an objection was raised, and this was to the use of additional police force and the recovery of the amount spent on them. The Hon'ble Member Sri Sunthakar said that it was very difficult to go to some villages after darkness sets in since most of the people will not be on their senses due to drunkenness. Supposing in a particular village the people manufacture liquor on a large scale and do not help in the administering this law, it is in such a village use of additional police is very necessary. It is only to meet the situation created in a village to which reference was made by Sri Sunthakar that this provision is needed. Where the people of a particular village or locality do not take notice of prohibition law or they are indifferent to its inforcement or they are almost a party to breach of the law, it is in those circumstances, the use of additional police force is very very essential, it will produce a salutary effect. My learned brother says that the police also participate in it. The law is the same whether a person happens to be a police man or ordinary citizen or a legislator or anybody. Everybody is equal in the eyes of law, whatever be the position or status of a man may be. It is for the Hon'ble Member to bring to the notice of Government cases of corruption and breaches of this law and help the administration. So, a reference to largescale breaches of the law somewhere calls for such a draustic provision. I, however, agree with the Members of the Opposition when they say that mere coercive measures may not be sufficient. The position is that no law can succeed without public co-operation. If we are indifferent to the existence of this law and allow things to take their own course and drift, I think that we are to

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blame for the failure of the process of law and not the legislation itself. It is the duty of the Hon'ble Members of the Opposition as also the duty of the Members of this side and the public to see that this legislation succeeds and that they extend complete co-operation for its implementation. We say this and that but we do not want to move our little finger to see that it becomes a success. Then, who can help it? As pointed out by Sri Narasimhan, our religious sentiment, cultural background and public opinion are against this drink evil. When Gandhiji was preaching about the good effects of prohibition, people like Sri Muckanappa picketed liquor shops the drunkards thought it a matter of shame to enter them. Now, what is happening? People would, brush aside not one Muckannappa but many Muckannappas and enter liquor shops. The fault is ours. During Gandhiji's time, public opinion was against the drink evil. That public is now afraid. It is for us to revive it, make it more courageous. This public opinion has to be encouraged and it is our duty to do it.

There are some provisions by which public co-operation is sought. There is a provision for constituting public committees and these committees are contemplated to seek co-operation of the public in implementing the measure. Clause 6 provides for conferring powers and duties under the Act on honorary officers. Persons who have faith in prohibition will be appointed. There it is not correct for some Hon'ble Members to decry this healthy measure. I know there are people who are interested in drinking, but they are in a minority and not in majority.

There is an allegation that the evil is widespread. I know that the working class people have been greatly benefited by this law and they thank for enacting such a law. Particularly the women folk are very happy on account of this law, the persons who used to take drinks used to beat their wives and children; they could not educate and feed them properly.

ಶ್ರೀ ಬಿ. ಎಸ್. ಪುಟ್ಟಣ್ಣ.—ಶ್ರೀ ಮೋತಾವರಿಯವರು ಒಂದೊಂದಾವರ್ತಿ ಒಂದೊಂದು ಅಭಿಪ್ರಾಯ ಹೇಳುತ್ತಿದ್ದಾರೆ. ಬೆಂಗಳೂರಿನಲ್ಲಿ ಪೊಕ್ಸಿಟಷನ್ ಬೇಡ ಚಿಕ್ಕೋಡಿಯಲ್ಲ ಮಾತ್ರ ಪೊಕ್ಸಿಟಷನ್ ಇರಲಿ ಎಂತ ಹೇಳುವವರಾದ ಸರಿಯಾದ್ದೇನು? ಇವರು ಜನರ ಕಣ್ಣಿಗೆ ಕಾರದ ಪುಡಿ ಹಾಕುತ್ತಿದ್ದಾರೆನು?

ಅಧ್ಯಕ್ಷರು :—ಅದು ಅವರ ಅಭಿಪ್ರಾಯ.

Sri S. D. KOTHAWALE.—Prohibition has done good to the working classes.

[Mr. SPEAKER in the Chair.]

There are some persons who are still indulging in illicit drinking but it is for us to condemn such anti-social elements. We do not want any revenue from the consumption of liquor. Any revenue we get from this source is a tainted money and we do not want the small percentage

of our people to give us such money. Therefore, after passing this legislation it is for the Members of this House to see that the earnings of poor people do not go to illicit distillers. Supposing we scarp this aw. Is that so called village industry going to be stopped?

Sri C. J. MUCKANNAPPA.—It will be stopped.

Sri S. D. KOTHAWALE.—It is only a wishful thinking. One of the Hon'ble Members was explaining how a small quantity of jaggery can produce liquor worth Rs. 10 to 12. Therefore, whatever happens, this village industry has to be put down with the strongest hand. It is the duty of the public as well as the Members of this House to see that illicit distillation is totally put down with a strong hand. I close my speech by appealing that all of us should try to see that this prohibition becomes a success.

Mr. SPEAKER.—There are many members who want to speak but I cannot give a chance to all.

Sri J. B. MALLARADHYA.—Sir, the previous convention has been, when a matter of like this comes up for discussion, the Chair used to ascertain names of members who desired to take part in the discussion. This is an important measure and there should be no restriction for speeches.

Sri KADIDAL MANJAPPA.—Sir, unlimited time cannot be given for this single measure. I can see from the deliberations that some members have spoken not about the Bill. They should strictly confine to the rules.

Sri J. B. MALLARADHYA.—I am surprised that the Revenue Minister is making such a submission to the Chair. Having regard to the number of members who want to speak, the time should be extended. Whether a particular person used or misused the opportunity, is not relevant. There are a large number of persons who want to speak. Do you want to stifle the discussion?

Mr. SPEAKER.—After all, it has been the decision of the House that the consideration of this Bill in question should conclude by to-morrow in all respects *i.e.*, not merely the consideration stage but the second and third reading.

Sri C. M. ARUMUGHAM.—We may have one more day for it.

Mr. SPEAKER.—How can we have one more day? The decision of the House is that by to-morrow the Bill should be concluded.

Sri G. N. PUTTANNA.—Is it right to give 1½ hours to one Member and make others suffer?

Mr. SPEAKER.—Does he know how much time was taken by the Members of party?

Sri G. N. PUTTANNA.—It is you who gave time to them.

Mr. SPEAKER.—That means I am a guilty man.

Sri G. N. PUTTANNA.—This is the practice which has been in force ever since I entered this Assembly. I am not accusing you or I am not levelling any charge against you.

Mr. SPEAKER.—He cannot argue like that. I am not going to give more time because it has been already decided that to-morrow before we rise we have to finish this Bill in all its readings.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ನಾಳೆ ಈ ಮನೂದೆ ಮೇಲಿನ ಚರ್ಚೆ ಮುಗಿಸಲು ನಮ್ಮ ಅಧ್ಯಯೇನೂ ಇಲ್ಲ. ಪ್ರಶೋತ್ತರಗಳ ಕಾಲವಾದ ಮೇಲೆ 3 ಗಂಟೆವರೆಗೆ ಸಾಮಾನ್ಯ ಚರ್ಚೆಗೆ ಅವಕಾಶಕೊಡಿ.

Mr. SPEAKER.—The Hon'ble Minister will take one hour.

Sri C. J. MUCKANNAPPA.—We are prepared to co-operate with the Government.

Mr. SPEAKER.—He is talking about himself, but he cannot take the responsibility for others. That is the trouble.

ಶ್ರೀ ಜಿ. ಎಫ್. ಪುಟ್ಟಣ್ಣ.—ಈ ಮನೂದೆಯಿಂದ ದೇಶದಲ್ಲಿ ಅನಾಹುತವಾಗುತ್ತದೆ, ಬ್ಲಡ್ ಶೆಡ್ ಆಗುತ್ತದೆ. ಹಾಗಿರುವಾಗ ಈ ತರಹ ರೆಸ್ಟ್ರಿಕ್ಟೆಡ್ ಹಾಕಿದರೆ ಕಷ್ಟವಾಗುತ್ತದೆ.

Mr. SPEAKER.—It is the sense of the House. I am sorry to find that he is using a language which is not worthy of a Member.

Sri G. N. PUTTANNA.—The Bill is not even referred to the Select Committee and the Members are also now allowed to express their views.

Mr. SPEAKER.—That is the concern of the House. I am not concerned with it. I cannot extend the time limit.

Sri G. N. PUTTANNA.—It is an appeal to the Chair.

Mr. SPEAKER.—I am not at liberty to do whatever I like.

Sri G. N. PUTTANNA.—You have got powers and the House has given you powers.

Mr. SPEAKER.—How can he say that I have got powers ?

Sri KADIDAL MANJAPPA.—We are not enacting a new law which is not already there. The Bill does not seek to enact a new law on the subject. It is as if some new law is enacted and there is blood-shed that the Members are talking.

Sri G. N. PUTTANNA.—I will give you examples from the Bill itself how it leads to dishonour and disgrace.

Sri KADIDAL MANJAPPA.—The House has already taken a decision that the discussion should close to-morrow.

Sri G. N. PUTTANNA.—Even the Pawnbrokers Bill has gone to Joint Select Committee. This is an important Bill.

Mr. SPEAKER.—The decision of the House should be respected. If he wants that the decision of the House should be altered, he must make a motion and I will put it to the House.

Sri C. M. ARUMUGHAM.—Mr. Speaker may I submit one thing? We will allow the Bill to be passed to-day only. Let them include one sentence, that is death sentence. Then we will agree. So far as old Mysore State is concerned, this Bill is entirely new for us. Perhaps the Hon'ble Minister has not gone through it because he had been visiting flood affected areas. If he is willing to include that sentence, we will not take much time. Otherwise, I submit that it may be extended for a day.

Sri M. C. NARASIMHAN.—May I make a motion that the time be extended by a day?

Mr. SPEAKER.—He cannot make it to-day. He will have to make it to-morrow. If he is lucky, it will be carried. Otherwise it may not be carried at all.

Sri J. B. MALLARADHYA.—Why not the motion be moved now? ದಯವಿಟ್ಟು ಈಗಲೇ ಹಾಕಿ ಸ್ವಾಮಿ.

ಅಧ್ಯಕ್ಷರು.—ಹಾಕುತ್ತೇನೆ, ನೀವು ಕುಳಿತುಕೊಳ್ಳಿ. Let the Hon'ble Minister agree to the extension of time. In any case, he will carry the Bill through whether we like it or not.

ಶ್ರೀ ವಿಠಲೇಂದ್ರ ಪಾಟೀಲ್.—3½ ಗಂಟೆಗಳ ಸಾಕೆಂದು ಮೊದಲು ನಿರ್ಧಾರ ಮಾಡಲಾಯ್ತು. ನಂತರ 3½ ಗಂಟೆ ಹೆಚ್ಚಿಗೆ ಬೇಕೆಂದು ಕೇಳಿದಾಗ ಒಪ್ಪಿದ್ದಾಯ್ತು. ಅಲ್ಲಗೆ 2 ದಿವಸ ಅವಕಾಶ ದೊರಕುತ್ತಾಯಿತು.

ಶ್ರೀ ಎಫ್. ಬಿ. ನರಸಿಂಹೇಗೌಡ.—ಇದು ಬಹಳ ಮುಖ್ಯವಾದ ಮಸೂದೆ, ಸೆರೆಕ್ಸ್ ಕವಿಟಿಗೆ ಸಹ ಹೋಗುವುದಿಲ್ಲ. ಅಂದಮೇಲೆ ಹೆಚ್ಚು ಕಾರಾವಕಾಶ ಕೊಡುವುದರಲ್ಲಿ ತೊಂದರೆಯೇನು?

ಅಧ್ಯಕ್ಷರು.—ಒಂದು ತೀರ್ಮಾನಕ್ಕೆ ಬಂದಿರುವಾಗ ತಾವು ಹಾಗೆಲ್ಲಾ ಮಾತನಾಡುವುದು ಸರಿಯಲ್ಲ.

(At this stage some Members were entering the House)

Sri J. B. MALLARADHYA.—This kind of attitude we do not like. There is not even a division Bill. If this is the type of work that is carried on, then they cannot expect co-operation from us. If they want to get the Bill passed, let them get the Bill passed in our absence. We are prepared to go out. You do not care to listen to us even.

Sri V. SRINIVASA SHETTY.—We all of us thought it is not so serious a Bill. The Hon'ble Minister himself did not know what are the provisions contained in the Bill. Now having found out the provisions of the Bill, everybody is apprehensive and we cannot allow the Bill to be passed. They might get it passed over our heads. We are here to see that some reasonable provisions are made and we want to see whether we can improve it or not. If they are prepared to refer the

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Bill to a Select Committee, we are prepared to close the discussion to-day. Let them refer the Bill to a Select Committee and get the report within a week. Otherwise, let us have some chance to express our views here. We want real discussion.

Sri VEERENDRA PATIL.—The question now is, some Honourable Members on the other side wanted to make a motion for extending the time and the Speaker was pleased to suggest that the motion may be made to-morrow and so the motion may be made to-morrow and may be considered.

Mr. SPEAKER.—I suggest a way out. After all, in such matters the best thing is that he talks behind the curtain and settles the matter.

Sri KADIDAL MANJAPPA.—Let them not feel that we are coming in the way of their discussing the measure fully. If it is their intention that the discussion should take place for one more day, I have no objection provided it is finished day after to-morrow.

Mr. SPEAKER.—I will tell him one more thing. Since yesterday I have been able to accommodate only five Members, because the speeches were lengthy and the Members have taken as much time as they can. If this is the case, even if it is extended by two days it will not solve the problem.

Sri KADIDAL MANJAPPA.—The discussion as such should be finished to-morrow and day after to-morrow the other stage.

Mr. SPEAKER.—Consideration stage must be finished by to-morrow before we rise and day after to-morrow the Minister concerned will give a reply, and we will take the second reading, clause by clause reading, and the final reading.

Sri G. N. PUTTANNA.—If necessary, the Bill will have to be referred to Select Committee.

Sri VEERENDRA PATIL.—Instead of referring the Bill to Select Committee, if they want extension of time it may be granted so that they may have full opportunity to express their views. Whether the Bill should be referred to a Select Committee or not.

Mr. SPEAKER.—Let us not worry whether we will see what happens. To the extension of the period by a day more, I will warn the Members that I am going to put the time limit; otherwise it will be impossible. If we go on in this way, it will not be possible to accommodate more than five Members to-morrow. So I want to accommodate as many Members as possible and I will be rather strict in enforcing the time limit.

Sri G. N. PUTTANNA.—I am raising a point of order. You were pleased to say that I said that there would be bloodshed if this Bill were to be passed. I think it has been recorded. If this Bill as it is

brought is passed, it leads to bloodshed. That I am going to substantiate by making reference to Clause 109. According to this Clause, a woman may be subjected to medical examination. Supposing it is my own sister or any other person. I say that this is contrary to the provisions of the Indian Penal Code and the Criminal Procedure Code. You have said that it is not right on the part of a Member of my type to say like that. It is exactly the thing which I want to bring to the notice of the Government and the Treasury Bench and the Speaker and the House. I say it is the perfect duty of every Member to point out the defect to avoid troubles to the public. It is a weapon which the Congressmen and some officers can make use of to frighten and harass the public.

MR. SPEAKER.—That is not a point of order. The Hon'ble Member should not take the time of the House like that. It is not fair. *Blood shed is no point of order.*

SRI G. N. PUTTANNA.—Sir, I know blood is not a point of order but bad law leads to bloodshed and it is in perfect order for which I have sent amendments and I am rightly taking the time as per rules.

†SRI G. VENKATAI GOWDA.—Mr. Speaker, Sir, in order to replace the several enactments existing now in the State of Mysore, this Bill has been placed before us. After all, I thought that the Government had bestowed more attention while seeking uniformity, especially in a matter like this. I expected that the Government would have brought a more comprehensive Bill, a Bill which would have contained simple provisions capable of being implemented successfully and also to achieve the desired results for the purpose of which we are adopting a uniform law with regard to prohibition. It is regrettable to point out as several of my friends have already pointed out that on a comparative study of the several enactments I find that the Bill brought before the House is nothing but a reproduction of the Bombay Prohibition Act. Several of my friends have already pointed out how several provisions in the Bombay enactment are opposed to the principles of natural justice. They are opposed even to the rule in the land; they are opposed to so many provisions in the Constitution and I venture to maintain even at the outset that this measure as it is not tenable at all and I am going to assign reasons when I deal with the relevant clauses which are opposed to those provisions in the Constitution. After all it is not a new idea about this prohibition policy. Even from time immemorial, especially in countries like India, Greece, China and Palestine, some efforts have been made to combat the evil of drinking, but with what result? Even most of the American States have made efforts in this regard frequently but in vain. When we see all these things in that background and especially when we are not doing the things in the way in which we ought to do, that is, convincing the people about this policy, it becomes practically difficult to implement the several provisions successfully and achieve the desired results. So with this background I submit that the Government ought to consider the basic

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factors which go to achieve the desired results. My submission is, with the society as it is and especially the poverty which we could see all over the country, it has become more a scope to cultivate this habit or to indulge in illicit distillation than complying with the provisions of this enactment. If at all we want to achieve the desired results of this policy, we have to consider the factors first, and that has been given a go-by.

Mr. SPEAKER.—After all, the motion has to be made that the time for consideration of this Bill be extended by a day more, and has to be carried. The motion may be made now if it is so desired.

Sri J. B. MALLARADHYA.—I move ;

“That the time for the consideration of the Bill be extended by another day.”

That is, we take up the consideration on the 24th and the second stage and the final stage on the 25th.

Mr. SPEAKER.—The question is :

“That the time for the consideration of the Bill be extended up to the end of 25th August.”

The motion was adopted.

Mr. SPEAKER.—The necessary time is granted. The House now rises and will meet to-morrow at One O'Clock.

The House adjourned at Six of the Clock to meet again at One of the Clock on Thursday the 24th August 1961.
